

AIC Decision on appeal #101

CASE NUMBER AI10205

Board Paper on the Tropical Forests Forever Facility (Decision dated March 27, 2026)

Summary of Decision

- The Access to Information Committee (“AIC”) received an appeal challenging the decision of the International Bank for Reconstruction and Development and of the International Development Association (collectively, “Bank”) to deny public access to the Board Paper on the Tropical Forests Forever Facility, discussed and approved by the Board of Executive Directors in October 2025 (“Board Paper”). The appeal asserts both a “violation of policy” and “public interest” grounds.
- ***Violation of policy.*** The AIC found that the Board Paper is properly and reasonably restricted under the *Information Provided by Member Countries or Third Parties in Confidence* exception under the Bank’s Access to Information Policy (“ATI Policy”). However, the AIC found it to be an error to deny access to the Board Paper based on the *Deliberative Information* exception under the ATI Policy; nevertheless, the error is harmless as the information remains restricted from public access under the *Information Provided by Member Countries or Third Parties in Confidence* exception. For these reasons, there is no violation of policy and the AIC upholds the Bank’s denial of access.
- Incidentally, and although discretionary for the Bank, the AIC also considered the feasibility of redacting the pieces of information restricted by the *Information Provided by Member Countries or Third Parties in Confidence* exception to allow disclosing the remaining parts of the Board Paper. However, the AIC found that even if the information provided in confidence could be redacted from the Board Paper, there are exceptional circumstances and the harm of disclosing the remaining pieces of information outweighs the benefit of disclosure. As a result, the remaining pieces of information would be eligible for restriction by the Bank’s exercise of prerogative to restrict, defeating the purpose of redacting the Board Paper.
- ***Public Interest.*** Since the Board Paper is restricted in its entirety by the *Information Provided by Member Countries or Third Parties in Confidence* exception, pursuant to the ATI Policy, the appeal is ineligible for consideration on public interest grounds. For this reason, the AIC dismisses this portion of the appeal for challenging a matter that the AIC does not have authority to consider. The AIC decision on public interest appeals is final.

The Decision

Facts

1. On November 7, 2025, the International Bank for Reconstruction and Development and the International Development Association (collectively, “Bank”) received a public access request seeking access to the Board Paper on the Tropical Forests Forever Facility (“TFFF”), discussed and approved by the Board of Executive Directors (“Board”) in October 2025 (“Board Paper”).
2. On December 12, 2025, the Bank informed the requester that the Board Paper was restricted from public access based on the *Information Provided by Member Countries or Third Parties in Confidence* and *Deliberative Information* exceptions under the Bank’s Access to Information Policy (“ATI Policy”).
3. On December 16, 2025, the secretariat to the Access to Information Committee (“AIC”) received an application appealing the Bank’s decision to deny public access to the Board Paper (“Appeal”). The Appeal challenges the Bank’s decision on the basis that the denial violates the policy and that there is a public interest case to override the policy exception that restricts the Board Paper.
4. On December 17, 2025, the secretariat to the AIC (“AIC Secretariat”) consulted the responsible business units to seek its views on the possible disclosure of the Board Paper in light of the Appeal.
5. On December 22, 2025, and on January 7, 9 and 12, 2026, the responsible business units offered written views on the possible disclosure of the Board Paper in light of the Appeal.
6. On February 4, 2026, the AIC met to discuss the Appeal, inviting the relevant business units to provide their views on the invoked exceptions under the ATI Policy.

Findings and Related Decision

7. In reviewing the Appeal in accordance with the ATI Policy, the AIC considered:
 - (a) the request;
 - (b) the Bank’s initial denial of access to the Board Paper;
 - (c) the nature of the Board Paper, as well as the objective and use of the Board Paper by the Bank;
 - (d) the ATI Policy’s exceptions that justified the Bank’s initial decision to deny public access to the Board Paper;
 - (e) the arguments presented in the Appeal by the requester;
 - (f) the information provided by the relevant business units concerning the Board Paper;and

(g) the option of redaction.

Violation of policy

8. Pursuant to the ATI Policy, the Bank allows access to any information in its possession that is not on a list of exceptions (*See* ATI Policy, at Section III.B.1). A requester who is denied public access to information by the Bank may file an appeal if the requester is able to establish a *prima facie* case that the Bank has violated the policy by improperly or unreasonably restricting access to information that it would normally disclose under the ATI Policy (*See* ATI Policy, at Section III.B.8.(a).i).

9. The ATI Policy states that the Bank does not provide access to information that contains or refers to the information listed in subparagraphs (a) through (j) of Section III.B.2 of the ATI Policy, which sets out the policy's list of exceptions (*See* ATI Policy, at Section III.B.2). Section III.B.2.(g) of the ATI Policy sets forth the *Information Provided by Member Countries or Third Parties in Confidence* exception, which provides that the Bank has an obligation to protect information that it receives in confidence and does not provide access to such information without the express permission of that member country or third party. Section III.B.2.(i) of the ATI Policy establishes the *Deliberative Information* exception to facilitate and safeguard the free and candid exchange of ideas for the purpose of preserving the integrity of the deliberative processes. Under the *Deliberative Information* exception, the Bank does not provide access to information prepared for, or exchanged during the course of (a) its deliberations with member countries or other entities with which the Bank cooperates, and/or (b) its own internal deliberations (*See* ATI Policy, at Section III.B.2.(i).i and ii).

10. The AIC found that:

- (a) the proposed TFFF is structured as a Financial Intermediary Fund ("FIF") to be established at the Bank at the request of Brazil and other partner countries, following an extensive design process led by Brazil and an interim steering committee;
- (b) the Bank's role is defined and limited to a technical and fiduciary nature: the Bank will act as trustee and interim host of the secretariat for the FIF and may provide specific treasury-related services to the separately constituted Tropical Forest Investment Fund ("TFIF"), which is expected to finance the TFFF once established. The TFIF will be created as an independent legal entity, distinct from the FIF, with the Bank not participating in its governance, capital raising, or investment decision-making;
- (c) in carrying out the necessary due diligence to seek the Board's approval to the proposed FIF for the TFFF, management engaged a third party with technical expertise to opine on the matter. Such engagement with the third party is formalized through an agreement to provide a product and contains a standard confidentiality provision that

explicitly provides that the Bank “will not disclose” the product (“Third Party Agreement”). The product is, in its entirety, provided in confidence to the Bank;

- (d) the third party’s market practice and industry standards consider the confidentiality of the product to be of utmost importance. The product is of a *private* nature and not intended to be disclosed by the Bank other than in very narrow exceptions as outlined in the Third Party Agreement (which exceptions are not met in this case). Even these narrow exceptions in the Third Party Agreement were heavily negotiated to limit the scope of recipients of the product. To further emphasize the importance of confidentiality set forth in the Third Party Agreement, the Bank is required to indemnify the third party for any claims arising from the unauthorized use of the information contained in the product. The depth of the negotiations with the third party on this very point frames the confidentiality as the third party’s final word on who can and cannot receive the product, and any information related to the product, and, thus, the product and the information it contains are provided to the Bank in confidence;
- (e) the Board Paper contains and reflects confidential information provided by such third party through the product pursuant to the Third Party Agreement;
- (f) the Board Paper spans several pages reflecting the extensive candid discussions and analysis on the broader context of the TFFF to inform the Board in its own deliberations on the establishment of the FIF for the TFFF;
- (g) the Board approved the proposal to establish the FIF for the TFFF as detailed in the Board Paper in October 2025; and
- (h) the TFFF is still being developed and subject to ongoing deliberations among stakeholders.

11. Considering the aforementioned, the AIC concluded that:

- (a) the Board Paper contains information provided to the Bank in confidence and is, thus, properly and reasonably restricted by the *Information Provided by Member Countries or Third Parties in Confidence* exception in its entirety; and
- (b) the *Deliberative Information* exception is unmerited.

12. Based on the above, the AIC decided that the Bank’s initial denial of access to the Board Paper based on the *Information Provided by Member Countries or Third Parties in Confidence* exception was proper and reasonable and, thus, there was no violation of policy. However, based on the content and context of the information in question, the AIC found that the Bank’s assertion that the *Deliberative Information* exception restricted access to the Board Paper is unmerited. The AIC found this error to be harmless, as the information is covered by, and therefore remains

restricted under, the *Information Provided by Member Countries or Third Parties in Confidence* exception. For this reason, the AIC upholds the Bank's initial denial of access to the Board Paper.

13. Under the ATI Policy, if the AIC upholds the initial decision to deny public access to information in appeals alleging a violation of the policy, the requester may file an appeal to the Access to Information Appeals Board ("AIAB"), as the second and final stage of appeals (*See* ATI Policy, at Section III.B.8.(b).ii). The requester is provided the link to appeal to the AIAB through a separate communication.

Additional Consideration

14. Nevertheless, and in observance of the guiding principle of the ATI Policy to maximize access to information (*See* ATI Policy, at Section III.A.1), the AIC considered whether the Bank could exercise its discretion to redact the information restricted by the *Information Provided by Member Countries or Third Parties in Confidence* exception from the Board Paper. With respect to redaction, the ATI Directive provides that, in relevant part:

The Bank considers disclosure of documents in their original form. The [ATI] Policy imposes no obligation or duty on the Bank to either consider redaction or modification of a document that includes information restricted by one or more [ATI] Policy exception. The [ATI] Policy also imposes no obligation or duty on the Bank to redact or in any way modify a document that includes such restricted information. Documents that include information restricted by one or more [ATI] Policy exception(s) are, on their face, restricted from disclosure under the [ATI] Policy. The Bank may, in its sole discretion, choose to redact or modify a document that includes restricted information, as the Bank may deem appropriate, to make the document eligible for disclosure in accordance with the [ATI] Policy. A determination as to whether to redact restricted information from a document in order to make it publicly available is, therefore, a discretionary decision to be taken by Bank. (*See* ATI Directive, at Section III.C.2)

15. The AIC found that:

- (a) the restricted information cannot be easily redacted from the Board Paper because the confidential nature of the information related to the third party's product is deeply integrated throughout the Board Paper; and
- (b) even if it was feasible to redact the information restricted by the *Information Provided by Member Countries or Third Parties in Confidence* exception, the business units offered detailed input on the broader context of the discussions and analysis on the TFFF (embedded in such remaining pieces of the Board Paper) revealing that there are exceptional circumstances and serious concerns with the likely harm that the disclosure of any remaining portion of the Board Paper could cause, which would outweigh the benefits of disclosure in this case.

16. The above findings reveal that the remaining pieces of information in the Board Paper are eligible for the Bank’s exercise of prerogative to restrict under the ATI Policy due to exceptional circumstances and the likely harm that outweighs the benefits of disclosure (*See* ATI Policy, at Section III.B.1, and Section IV.2). Thus, despite considering redaction as a potential option, in this case, redaction of the information restricted by the *Information Provided by Member Countries or Third Parties in Confidence* exception is pointless, because the remaining portions of the Board Paper would remain eligible for restriction pursuant to the Bank’s exercise of prerogative to restrict.

“Public Interest” case

17. Pursuant to the ATI Policy, a requester who is denied public access to information by the Bank may file an appeal on a “public interest” basis if the requester is able to make a public interest case to *override certain policy exceptions that restrict the information, limited to corporate administrative matters, deliberative information, and financial information, except for banking and billing* (*See* ATI Policy, at Section III.B.8.(a).ii). Public interest appeals are limited to information restricted by the *Corporate Administrative Matters, Deliberative Information, and/or Financial Information* (other than banking and billing information) exceptions (*See id.*). Under the ATI Policy, for appeals that assert public interest grounds, the decision of the AIC is final (*See* ATI Policy, at Section III.B.8.(b).i).

18. As explained above, the AIC found that the requested information is restricted from public access by the *Information Provided by Member Countries or Third Parties* exception under the ATI Policy. This exception is ineligible for consideration on a public interest basis. For this reason, the AIC dismisses this portion of the Appeal because it challenges a matter that the AIC does not have authority to consider (*See* ATI Directive, at Section III.D.1.a.(iii)).

19. The AIC decision on this portion of the Appeal is final (*See* ATI Policy, at Section III.B.8.(b).i).